

**775. Adulteration of butter. U. S. v. 5 Cubes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 969. Sample Nos. 73243-D, 73250-D.)**

On October 30, 1939, the United States attorney for the Northern District of California filed a libel against five cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 18, 1939, by the Merrill Creamery from Klamath Falls, Oreg.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Merrill Creamery, Merrill Oregon \* \* \* Wilsey, Bennett Co. \* \* \* San Francisco."

On October 10, 1940, an amended decree was entered as of November 21, 1931, ordering condemnation of the product and ordering further that it be released under bond conditioned that it be made to comply with the law.

**776. Adulteration of butter. U. S. v. 11 Cubes of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2166. Sample No. 21919-E.)**

On May 27, 1940, the United States attorney for the Northern District of California filed a libel against 11 cubes of butter at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the Milk Producers Association of Central California from Fallon, Nev.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 9, 1940, the Milk Producers Association of Central California having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

**777. Adulteration and misbranding of butter. U. S. v. 36 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3029. Sample No. 33358-E.)**

On September 9, 1940, the United States attorney for the Southern District of New York filed a libel against 35 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 22, 1940, by Miller & Holmes, Inc., from St. Paul, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter J. R. Kramer, Inc. Distributor, New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On September 24, 1940, the claimant, Miller & Holmes, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

**778. Adulteration and misbranding of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2255. Sample No. 33307-E.)**

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 29 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about May 31, 1940, by the Napoleon Creamery, of Napoleon, N. Dak. from Linton, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed By Zimmer & Dunkak, Inc., \* \* \* New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On June 28, 1940, the Napoleon Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

**779. Adulteration of butter. U. S. v. 93 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2022. Sample Nos. 2356-E, 2365-E.)**

On May 15, 1940, the United States attorney for the District of Massachusetts filed a libel against 93 cartons of butter at Somerville, Mass., alleging that

the article had been shipped in interstate commerce on or about April 28, 1940, by the New England Dairies, Inc., from Concord, Vt.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 3, 1940, the claimant, New England Dairies, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

**780. Adulteration and misbranding of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2277. Sample No. 33684-E.)**

On or about June 20, 1940, the United States attorney for the District of New Jersey filed a libel against 12 cartons of butter at Jersey City, N. J., alleging that the article had been shipped on or about June 4, 1940, by the New Sweden Creamery Association, of Nicollet, Minn., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Gr. A & P Tea Co. N Y Distributors."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement on the label, "Butter," was false and misleading since it was not correct.

On June 29, 1940, the New Sweden Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**781. Adulteration of butter. U. S. v. 19 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 2056. Sample No. 10159-E.)**

On May 20, 1940, the United States attorney for the District of New Jersey filed a libel against 19 boxes of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by H. M. Noack & Sons from Arlington, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "The Great A & P Co. Jersey City N. J. \* \* \* Packed By H. M. Noack & Sons."

On June 14, 1940, H. M. Noack & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under Government supervision to meet the requirements of the law.

**782. Adulteration and misbranding of butter. U. S. v. 10 Tubs and 2 Tubs of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1987, 2040. Sample Nos. 2357-E, 2366-E, 2368-E.)**

On May 13 and May 18, 1940, the United States attorney for the District of Massachusetts filed libels against 12 tubs of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 2 and May 9, 1940, by the North Danville Creamery Co. from North Danville, Vt.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "W. H. Lerner & Sons Boston Mass. W 65#;" or "Butter Distributed by W. H. Lerner & Sons, Boston, Mass."

The article in both shipments was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. One shipment was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On August 6, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**783. Adulteration and misbranding of butter. U. S. v. 86 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2192. Sample No. 33252-E.)**

On June 3, 1940, the United States attorney for the Eastern District of New York filed a libel against 86 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about